

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF NORTH BRANCH IN THE COUNTY OF CHISAGO AND IN THE STATE OF MINNESOTA

REGULAR SESSION

January 26, 2015

CALL TO ORDER: The North Branch City Council met in regular session and Mayor Hagen-Kennedy called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL: Councilmembers present were Kathy Blomquist, Theresa Furman, Kirsten Hagen-Kennedy, Joyce Borchardt, and Robert Canada. Staff members present were City Administrator Konrad, Planner Roberts, Police Chief Meyers, Public Works Director Williams and City Attorney Squires .

PUBLIC COMMENT:

Peter Schaaps of 5690 360th Street asked Council for an explanation of the type of government the City of North Branch utilizes either strong mayor or weak mayor.

Cindy Erickson of 6500 Maple Street said that at the last Council meeting she was confused as to why Councilmember Borchardt did not want the Mayor on the Water & Light based on comments made and then she wonders whether the concern of Councilmember Borchardt is personal and related to the trailer park that she owns that is not fully metered. She then said that it appears that Councilmember Borchardt may be using her position for personal gain and she should recuse herself from the discussions on metering the trailer park.

Aaron Reinert of Lakes Region EMS provided an overview of their operations for Council and residents in attendance.

The City Attorney Squires provided an overview of the types of City government in Minnesota and how North Branch is organized.

Furman said she would like to know if Councilmember Borchardt can vote on the item that is on tonight's agenda related to metering of trailer parks.

Motion by Furman, seconded by Canada to direct the City Administrator to find out from Ms. Erickson what the possible abuse of power would be. Members voted: Ayes – 3, Nays – 2 (Hagen-Kennedy/ Blomquist). Motion carried.

CONSENT AGENDA:

- Claims - \$110,433.53
- Minutes – Regular Session January 12, 2015

Motion by Furman, seconded by Blomquist, to approve the Consent Agenda as Presented. All voted AYE. Motion carried.

PUBLIC HEARINGS:

NONE

COMMITTEE/COMMISSIONS:

6A PLANNING COMMISSION

A1 CUP and Variances – Fraser

Roberts provided an overview of the requested CUP and variance requests for Clifford Fraser. They are requesting a CUP for construction of an additional building on his property located on 364th Street. The variance requests are for reduced front yard setback and to allow gravel parking and drive areas for the buildings.

Furman asked if 364th is a private drive. Roberts indicated it is.

Blomquist said she looked this business up on line and she wishes she would have known more about this business when she was caring for her mother. She then said she would like to see a sign out there so folks know the business is there.

Motion by Furman, seconded by Borchardt, to approve Resolution No. 005-01-26-15, "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR MULTIPLE PRINCIPAL BUILDING ON THE PROPERTY AT 6421 -6491 364TH STREET." All voted AYE. Motion carried.

Motion by Furman, seconded by Hagen-Kennedy, to approve Resolution No. 006-01-26-15, "A RESOLUTION APPROVING VARIANCES FOR REDUCED FRONT YARD SETBACK AND FOR DRIVEWAY AND PARKING AREA SURFACING FOR PROPERTY AT 6421-6491 364TH STREET." All voted AYE. Motion carried.

A2 CUP Revision – Access Church

Roberts provided an overview of the request for a revision to the CUP for Access Church. The property to the west of the church building is being utilized for offices and counseling services. This would require a revision to their existing CUP which would require that they combine the two parcels.

Furman asked about whether it is necessary to combine the lots. City Attorney Squires explained that they would not be eligible for a CUP unless the properties are combined. The other alternative may be a rezoning or merging the property into one lot of record or possibly adding a condition that would be recorded that would bind the lots saying they cannot be separately sold.

Blomquist would like to pursue the interim use permit.

Motion by Furman to approve Conditional Use Permit with amendment to Condition 7 to remove second sentence in condition 7 with regard to removal of driveway allowing them to block the driveway off right now.

The motion was withdrawn.

Kevin Hasseltine from Access Church asked for an extension to allow the City to explore other options. The Church agreed to waive the 60 day Rule.

Motion by Furman, seconded by Hagen-Kennedy, to table and allow Staff time to look into an Interim Use Permit or other Conditional Use options. All voted AYE. Motion carried.

A3 Ordinance - Off Street Parking Requirements

Roberts reviewed the Off Street Parking Requirements Ordinance. The ordinance would amend the amount of parking required for machine shops in the industrial zone.

Hagen-Kennedy asked how many machine shops are in town. Roberts indicated there are 6 or 7.

Furman said she is not in favor of this as it is.

Blomquist indicated she is not in favor of this proposal as it is. She would like to have a broader look at the proposed change.

Motion by Furman, seconded by Blomquist, to deny the Ordinance Amendment. All voted AYE. Motion carried.

Motion by Furman, seconded by Blomquist, to direct the Planning Commission to draft language that would review parking requirements for all of the industrial parking requirements. All voted AYE. Motion carried.

6B	ECONOMIC DEVELOPMENT AUTHORITY	NONE
6C	PARK COMMISSION	NONE
6D	WATER AND LIGHT COMMISSION	NONE

STAFF REPORTS:

7A ENGINEERING/PUBLIC WORKS

A1 Public Works Vehicle Purchase

Williams outlined the proposed pickup purchase for Public Works.

Furman asked the difference between a 2014 versus a 2015. Williams indicated that the difference is that you cannot get 2014 on the state bid.

Motion by Hagen-Kennedy, seconded by Blomquist, to approve Resolution No. 007-01-26-15, "A RESOLUTION ACCEPTING THE PROPOSAL SUBMITTED BY ANDERSON KOCH FORD FOR THE PURCHASE OF A PICKUP TRUCK AND AWARDED CONTRACT THEREOF." All voted AYE. Motion carried.

7B ADMINISTRATION

B1 2014 Police Activity Report

Chief Meyer reviewed the 2014 Police Activity Report with Council.

B2 Squad Car Purchase

Chief Meyer reviewed the proposed purchase. He noted that Anderson Koch Ford can't order 2015 models anymore, but would not be able to get pricing for the 2016 model until the first week in February. Nelson Auto out of Fergus Falls has the 2015 State Bid and provided a quote of \$26,672 for a 2015 model. Meyer requested Council action on either purchasing the 2015 model off of the State Bid or waiting for pricing for the 2016 and purchase it from Anderson Koch Ford. Canada asked if the vehicle purchase can wait. Meyer indicated that the funds are available but he can wait a few months. Konrad asked if Council wants to move forward with the guaranteed price or wait until February to see what the price from Anderson Koch Ford is for a 2016 vehicle.

Motion by Canada, seconded by Blomquist, to approve purchasing squad car from Nelson Auto from Fergus Falls off of the 2015 State Bid. All voted AYE. Motion carried.

B3 Cambridge Mutual Aid Agreement

Konrad noted that this would allow the City to coordinate and share with Cambridge in the event of an emergency. This would extend the current agreement by five years.

Motion by Borchardt, seconded by Hagen-Kennedy, to approve Mutual Aid Agreement with Cambridge.

Furman said that there seems to be more things on the Cambridge list that will be charged and the City of North Branch does not.

Konrad indicated that the fees were based on the current fee schedule.

All voted AYE. Motion carried.

B4	Fourth Quarter 2014 Code Enforcement Report	INFO
7C	BUILDING	NONE
7D	FINANCE	NONE
7E	LEGAL	NONE

NOTICES AND COMMUNICATIONS: **NONE**

UNFINISHED BUSINESS:

10A Commission Appointments

Motion by Hagen-Kennedy, seconded by Blomquist, to ask Planning Commissioner Borchardt and Councilmember Borchardt to remove themselves and recuse themselves from all discussions on sewer and water until the issues are resolved.

Blomquist said she has a concern because their property is paying considerably less in water and sewer and there is no resolution.

Borchardt said that this is not an individual issue and there has been an order of business at Water & Light and said that the definition of the conflict of interest is "sell lease or contract" so this is not a true conflict of interest. She then said that Blomquist should be recused because of Northwest Old Town project. They have reached out to Water & Light and are working on those issues.

Blomquist said that there is another trailer park court that put in the infrastructure and meters themselves and she does not understand the reasoning to think that the City should do that.

Hagen-Kennedy said that this is not about conflict of interest for contracts this is about any personal interest should be recused. She noted Nevada Commission on Ethics vs. Carrigan in 2001 where it states that any city official that has a personal financial interest in an official non-contractual act is generally disqualified from participating in the action.

City Attorney Squires said he understood the speaker earlier to make a suggestion that the staff was to look into the concerns. His conclusion is that he does not see by virtue of any given councilmember having a property that uses or consumes water or sewer or light that would create a conflict. For purposes of the liaison to Water & Light, he sees no reason

why Councilmember Borchardt should be excluded from voting on the item on the Agenda this evening. City Attorney then said that he believes they are two separate issues.

Blomquist disagreed because she thinks that if one group gets a different rate that is not fair. City Attorney Squires said that the item on the Agenda is to vote on the liaison to the Water & Light Commission.

Blomquist said her concern is she is fully paying her water and sewer and it really bothers her that there is this situation where there was a broken meter and this group feels that it is okay to be underpaying while the rest of the town pays. Blomquist said that because there is an issue whether the City pays or the property owner she thinks this has not been resolved.

City Attorney Squires said he does not believe the motion on the floor is a proper motion but if it is a concern of the Council, he can look into the matter.

After discussion members voted, Ayes – 2, Nay – 3(Furman, Borchardt, Canada). Motion failed.

Motion by Borchardt, seconded by Canada, to appoint Councilmember Furman to the Water & Light Commission and Councilmember Canada as the alternate. Members voted: Ayes – 3, Nays – 2(Blomquist/Hagen-Kennedy). Motion carried.

Motion by Furman, seconded by Borchardt, to appoint the Mayor and Councilmember Canada to the Police Award Committee. All voted AYE. Motion carried.

NEW BUSINESS:

NONE

MAYOR AND COUNCIL:

12A Upcoming Agendas

INFO

12B Water & Light Legislation Draft Bill

Konrad noted that Representative Barrett provided a copy of the draft language for review. Blomquist said she has questions about the need to increase the membership of the Water Commission when no one has questioned sewer rates continuing to increase. Hagen-Kennedy would like to add the sewer rates to a work session. Konrad noted that it is on the February 5, 2015 work session.

Blomquist asked what the goal is to have five members on the Commission. Furman said that five is closer to the other committee membership. More community involvement and more transparency. This

would allow two members to speak to each other, as now they do not have that.

Blomquist wants to know what the goal or purpose is for this legislation and what criteria has been placed on two extra people.

Motion by Blomquist, seconded by Hagen-Kennedy, to tell Representative Barrett the Council does not want this legislation.

Furman asked, if the majority says yes it is, is that then the Council as a body that speaks as a whole so we all have to agree to it. Konrad stated that once the majority of the Council votes on an issue then that is the decision of the City. Furman asked if after that, if a board member can go and lobby against it. Attorney Squires stated that you don't lose your individual hat as a City Councilmember. You may have personal views. Many times cities have policies that address this and it could be included in the conflict of interest policy that addresses situations where an individual offers a comment in public that it is not the position of the City. It doesn't preclude a member from offering their position but must qualify it by saying that this is their individual position and not the position of the City of North Branch. He suggested this language be added to a policy when drafted. He stated none of the members are precluded from expressing their personal views in public provided you qualify them as your personal views.

Members voted: Ayes – 2, Nays – 3 (Canada/Borchardt/Furman). Motion failed.

12C Goal Setting Session

Council would like to hear from staff. Council set goal setting for both March work sessions.

12D Meeting Date Change – ECRDC

Hagen-Kennedy noted she would like to attend the ECRDC meetings and it conflicts with City Council meetings. Furman would like to move meetings to Tuesday and listed four reasons why she thinks moving the meeting date is appropriate.

Motion by Hagen-Kennedy, seconded by Furman, to change the Council meeting dates to Tuesdays. All voted AYE. Motion carried.

Motion by Furman, seconded by Blomquist, to adjourn.

ADJOURNED: at 9:23 p.m.

Respectfully submitted,

Bridgitte Konrad, City Administrator
jrl/TOSS